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Paper 94
Filed: December 21, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Advanced Research and Technology Institute, Inc.
Junior Party
(U.S. Patent Applications 08/948,764, 08/955,572 and 10/027,199).

v.

Immunex Corporation
Senior Party
(U.S. Patent 7,211,259),

Patent Interference No. 105,662 (MPT)
(Technology Center 1600)

1 **Judgment - Bd.R. 127**
2
3 Before: RICHARD TORCZON, SALLY GARDNER LANE, and MICHAEL P.
4 TIERNEY, *Administrative Patent Judges.*
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6 TIERNEY, *Administrative Patent Judge.*
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1 The Board has entered a Decision on Priority in this interference.

2 (Paper 93). Pursuant to the panel decision on priority, it is:

3 **ORDERED** that judgment as to the subject matter of Count 1 (Paper 1 at 4)
4 is entered against ARTI's U.S. Patent Applications 08/948,764, 08/955,572 and
5 10/027,199.

6 **FURTHER ORDERED** that ARTI's involved claims, '572 claims 5-6, 24
7 and 26-31, '764 claims 19-24, 26 and 28-36 and '199 claims 1, 19 and 21-23 are
8 **FINALLY REFUSED**, 35 U.S.C. § 135(a);

9 **FURTHER ORDERED** that the parties shall note the requirements of
10 35 U.S.C. § 135(c) and Bd. R. 205; and

11 **FURTHER ORDERED** that a copy of this judgment be entered in the
12 administrative records of the involved ARTI applications and Immunex patent.

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1 cc (via electronic filing):

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4 Technology Institute, Inc.:

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